

### **Written Consent of Assignee**

The application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees. Applicants respectfully disagree.

It is respectfully submitted that written consent to file the above-identified reissue application was properly filed at the Patent Office on October 31, 2001. However, in the interests of furthering prosecution, in response to this objection, Applicants have attached executed copies of Reissue Application: Consent of Assignee (PTO/SB/53), and Statement under 37 CFR 3.73(b) (PTO/SB/96).

Accordingly, Applicants respectfully submit that the submission of these standardized PTO forms satisfies the consent of assignee requirement under 37 CFR 1.172, and respectfully request that the objection to the application for lacking written consent of all assignees be withdrawn.

### **Rejections under 35 U.S.C. §251**

Claims 1, 3-42, 44-47, and 49-95 are rejected under 35 U.S.C. §251 for having a defective Declaration. Specifically, the Examiner asserts that Applicants' Reissue Declaration filed on March 10, 2005 ("the Declaration") contained an insufficient statement of error. Applicants respectfully disagree. The Declaration is attached as **Appendix A**.

In asserting that Applicants' statement of error is insufficient, the Examiner asserts that the differences between the added claims 52-95 and original claims 1-51 "must be pointed out." Additionally, the Examiner asserts that Applicants have failed to properly identify at least one error, and requests a corrective statement. Applicants respectfully disagree.

As stipulated in 37 CFR 1.175 and MPEP §1414, a reissue oath or declaration is only required to include:

(A) A statement that the applicant believes the original patent to be wholly or partly inoperative or invalid--

(1) by reason of the either a defective specification or drawing, or

(2) by reason of the patentee claiming more or less than the patentee had the right to claim in the patent;

(B) A statement of at least one error which is relied upon to support the reissue application, *i.e.*, as the basis for the reissue;

(C) A statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant; and

(D) The information required by 37 CFR 1.63.

Accordingly, Applicants respectfully disagree with the Examiner's assertion that the differences between the added claims 52-95 and original claims 1-51 "must be pointed out." There is no such requirement stipulated in either the MPEP or the CFR. Furthermore, Applicants would like to point out that Applicants had indicated that the new claims were merely combinations of the originally issued independent claims amended to incorporate some features of the originally issued dependent claims. *See* Preliminary Amendment filed Oct. 31, 2001, pp. 13-14. Accordingly, Applicants respectfully submit that the Declaration filed on March 10, 2005 is not defective on the grounds that it does not point out the differences between the added and original claims.

With respect to the Examiner's assertion that Applicants' statement of error does not properly identify at least one error, Applicants respectfully disagree. MPEP § 1414, paragraph I states that the requirement to identify at least one error can be satisfied, for example, with a statement stating, "Applicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming more than the patentee had a right to claim in the patent." The Declaration, ¶6 states "[t]hat we believe the Letters Patent no. 5,704,648 to be partly inoperative by reason that we claimed more than we have the right to claim in the claims." Furthermore, Applicants' statement of error (Declaration, ¶7) recites, "That at least one error being relied upon is



U.S.C. § 251 for having a defective declaration for failing to include a statement that the errors arose without any deceptive intention be withdrawn.

Claims 1, 3-42, 44-47, and 49-95 are further rejected under 35 U.S.C. § 251 as being broadened in a reissue application filed outside the statutory period. Specifically, the limitation regarding “to substantially the entire surface” was inadvertently deleted from claims 1, 26, and 38 through a typographical error. Accordingly, claims 1, 26, and 38 have been amended to re-introduce this limitation. Thus, Applicants respectfully request that the rejection of claims 1, 3-42, 44-47, and 49-95 under 35 U.S.C. § 251 as being broadened, be withdrawn.

### **Objections under 37 CFR 1.63**

The reissue declarations filed October 31, 2001 (“the 10/31/01 Declaration”), August 15, 2002 (“the 8/15/02 Declaration”), and March 10, 2005 (“the 3/10/05 Declaration”) are objected to for failing to comply with 37 CFR 1.63. Specifically, the Examiner asserts that the declarations fail to satisfy subsections (a) and (b) of 37 CFR 1.63. Applicants respectfully disagree. The 10/31/01 Declaration and the 8/15/02 Declaration are attached as **Appendix B** and **Appendix C**, respectively.

It is respectfully submitted that all three declarations included the information set forth in 37 CFR 1.63. Specifically, the declarations had included statements indicating that the persons executing the declarations believed themselves to be the original and first inventors, that they understood the contents of the application, that they acknowledged the duty of disclosure under 37 CFR 1.56, and a statement identifying the application. *See* the 10/31/01 Declaration, p. 1 and ¶¶ 3, 4, and 12; the 8/15/02 Declaration, p. 1 and ¶¶ 3, 4, and 12; the 3/10/05 Declaration, p. 1 and ¶¶ 3, 4, and 13.

Accordingly, Applicants respectfully submit that the submissions of the standardized PTO language satisfies the requirements enumerated under 37 CFR 1.63, and respectfully request that the objection to the application for having a declaration that fails to comply with 37 CFR 1.63 be withdrawn.

**Non-Compliant Amendment under 37 CFR 1.173(c)**

The Examiner notes that the Preliminary Amendment filed October 31, 2001 did not comply with 37 CFR 1.173(c) (“the Preliminary Amendment”). Specifically, the Preliminary Amendment did not include a status of the claims as stipulated under 37 CFR 1.173(c). Accordingly, in this response, Applicants have included a Status of the Claims section in compliance with 37 CFR 1.173(c).

**CONCLUSION**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: May 20, 2008

Respectfully submitted,

By

  
Louis J. DelJurdice

Registration No.: 47,522

DARBY & DARBY P.C.

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(212) 527-7701 (Fax)

Attorney For Applicants

Application No. 10/002,950  
Amendment dated May 20, 2008  
Reply to Non-Final Office Action of February 20, 2008

Docket No.: 00630/000B368-US1

# **APPENDIX A**



Docket No.: 00632/000B368-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul A. Brown et al.

Application No.: 10/002,950

Confirmation No.: 5458

Filed: October 31, 2001

Art Unit: 3722

For: REMOVABLY REPLACEABLE,  
READHERABLE LABEL (REISSUE OF U.S.  
PATENT NO. 5,704,648)

Examiner: Willmon Fridie, Jr.

**REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of Hilversum, The Netherlands, Oakland, California and Humboldt, Iowa, respectively;

2. That we believe ourselves to be the inventors of the invention claimed in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

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3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That at least one error being relied upon is that we inadvertently claimed more than we had a right to claim, with respect to independent claims 1 and 38 only. Claims 1 and 38 are rendered inoperative in light of the teachings of European Patent Application 0 283 064 A1. However, the '064 European patent application neither teaches nor suggests the subject matter of dependent claims 2, 3 or 6. The corresponding corrective action is that the subject matter of one of these dependent claims has been incorporated into the amended independent claims 1 and 38. Specifically, the element "wherein said sheet has a score extending a predetermined distance from said one of said first end and said second end toward the other one of said one of said first end and said second end" has been added to claim 1 and the element "wherein said first end includes a tab portion extending therefrom, thereby forming a new first end" has been added to claim 38.

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8. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

9. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

11. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988;

12. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants;

13. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a);

14. As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office

{W:\00632\000b368us1\00375677.DOC [REDACTED] }

connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: March 4<sup>th</sup> 2005

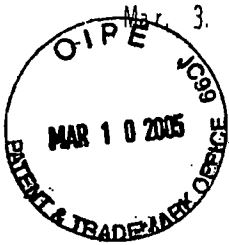
  
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Paul A. Brown

DATED: \_\_\_\_\_

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Craig O. Norvell

DATED: \_\_\_\_\_

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Leroy A. Jorgensen



Mar 3, 2005 9:05AM

No. 0125 P. 2

Docket No.: 00632/000B368-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul A. Brown et al.

Application No.: 10/002,950

Confirmation No.: 5458

Filed: October 31, 2001

Art Unit: 3722

For: REMOVABLY REPLACEABLE,  
READHERABLE LABEL (REISSUE OF U.S.  
PATENT NO. 5,704,648)

Examiner: Willmon Fridie, Jr.

**REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of Hilversum, The Netherlands, Oakland, California and Humboldt, Iowa, respectively;

2. That we believe ourselves to be the inventors of the invention claimed in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

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3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That at least one error being relied upon is that we inadvertently claimed more than we had a right to claim, with respect to independent claims 1 and 38 only. Claims 1 and 38 are rendered inoperative in light of the teachings of European Patent Application 0 283 064 A1. However, the '064 European patent application neither teaches nor suggests the subject matter of dependent claims 2, 3 or 6. The corresponding corrective action is that the subject matter of one of these dependent claims has been incorporated into the amended independent claims 1 and 38. Specifically, the element "wherein said sheet has a score extending a predetermined distance from said one of said first end and said second end toward the other one of said one of said first end and said second end" has been added to claim 1 and the element "wherein said first end includes a tab portion extending therefrom, thereby forming a new first end" has been added to claim 38.

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*CW*

8. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

9. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

11. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988;

12. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants;

13. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a);

14. As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office

{W:\00632\000b368us\00375677.DOC [REDACTED] }

connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

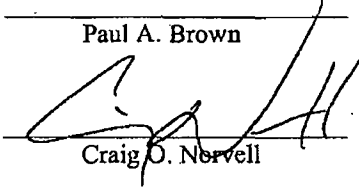
15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: \_\_\_\_\_

DATED: 3/3/05

DATED: \_\_\_\_\_

\_\_\_\_\_  
Paul A. Brown

  
\_\_\_\_\_  
Craig O. Norvell

\_\_\_\_\_  
Leroy A. Jorgensen









connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

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DATED: \_\_\_\_\_

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Paul A. Brown

DATED: \_\_\_\_\_

\_\_\_\_\_  
Craig O. Norvell

DATED: 3 MAR. 05

Leroy A. Jorgensen  
Leroy A. Jorgensen

Docket No.: 00630/000B368-US1

# APPENDIX B

10/31/01



EXPRESS MAIL CERTIFICATE

Date 10/31/01 Label No. 76772614215

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

DB Peck [Signature]  
Name (Print) Signature

Customer No.:   
07278  
PATENT TRADEMARK OFFICE

Docket No: 0632/0B368-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul A. BROWN; Craig O. NORVELL;  
Leroy A. JORGENSEN

Serial No.: To Be Assigned Art Unit:  
Filed: Herewith Examiner: Willmon Fridie, Jr.  
For: REMOVABLY REPLACEABLE, READHERABLE LABEL  
Reissue of: U.S. Patent No. 5,704,648 Issued: January 6, 1998

REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

October 31, 2001

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of The Netherlands, Oakland, California and Humboldt, Iowa, respectively.
2. That we believe ourselves to be the inventors of the invention claimed

10002950-103101

in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

8. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10002950-103101  
TOTAL 0562001

9. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

10. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988.

11. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants.


12. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a).

As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott

G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195,  
Eugene L. Szczecina, Jr. #35,029.

I further declare that all statements made herein of my own knowledge  
are true and that all statements made on information and belief are believed to be  
true; and further that these statements were made with the knowledge that willful  
false statements and the like so made are punishable by fine or imprisonment, or  
both, under Section 1001 of Title 18 of the United States Code, and that such  
willful false statements may jeopardize the validity of the application or any patent  
issuing thereon.

DATED: 10/16/01

  
Paul A. Brown

DATED: \_\_\_\_\_

\_\_\_\_\_  
Craig O. Norvell

DATED: \_\_\_\_\_

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Leroy A. Jorgensen



EXPRESS MAIL CERTIFICATE

Date 10/31/01 Label No. 62767726 14 2US

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PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Name (Print) DB Beck

Signature DB Beck

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 0632/0B368-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul A. BROWN; Craig O. NORVELL;  
Leroy A. JORGENSEN

Serial No.: To Be Assigned

Art Unit:

Filed: Herewith

Examiner: Willmon Fridie, Jr.

For: REMOVABLY REPLACEABLE, READHERABLE LABEL

Reissue of: U.S. Patent No. 5,704,648

Issued: January 6, 1998

REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175

Hon. Commissioner of  
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2. That we believe ourselves to be the inventors of the invention claimed

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in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

8. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

1000250-103101

9. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

10. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988.

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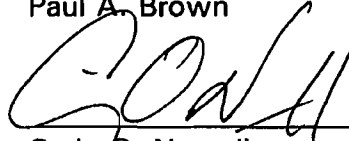
I further declare that all statements made herein of my own knowledge  
are true and that all statements made on information and belief are believed to be  
true; and further that these statements were made with the knowledge that willful  
false statements and the like so made are punishable by fine or imprisonment, or  
both, under Section 1001 of Title 18 of the United States Code, and that such  
willful false statements may jeopardize the validity of the application or any patent  
issuing thereon.

DATED: \_\_\_\_\_

DATED: 10/29/2001

DATED: \_\_\_\_\_

\_\_\_\_\_  
Paul A. Brown

  
\_\_\_\_\_  
Craig O. Norvell

\_\_\_\_\_  
Leroy A. Jorgensen

10002950-103101

EXPRESS MAIL CERTIFICATE

Date 10/31/01 Label No. 676772614205

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Name (Print)

Signature

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 0632/OB368-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, DC 20231

October 31, 2001

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of The Netherlands, Oakland, California and Humboldt, Iowa, respectively.
2. That we believe ourselves to be the inventors of the invention claimed

10002950101

1002550-103101  
FOIEOT-05620001

in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

8. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10002950-103101

9. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

10. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988.

11. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants.

12. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a).

As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott

G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195,  
Eugene L. Szczecina, Jr. #35,029.

I further declare that all statements made herein of my own knowledge  
are true and that all statements made on information and belief are believed to be  
true; and further that these statements were made with the knowledge that willful  
false statements and the like so made are punishable by fine or imprisonment, or  
both, under Section 1001 of Title 18 of the United States Code, and that such  
willful false statements may jeopardize the validity of the application or any patent  
issuing thereon.

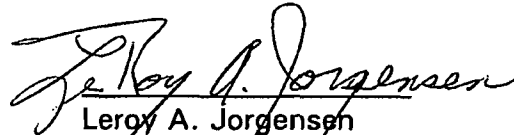
DATED: \_\_\_\_\_

\_\_\_\_\_  
Paul A. Brown

DATED: \_\_\_\_\_

\_\_\_\_\_  
Craig O. Norvell

DATED: 16 Oct 01

  
\_\_\_\_\_  
Leroy A. Jorgensen

10002950-103101



Application No. 10/002,950  
Amendment dated May 20, 2008  
Reply to Non-Final Office Action of February 20, 2008

Docket No.: 00630/000B368-US1

# APPENDIX C

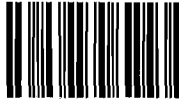


EXPRESS MAIL CERTIFICATE

Date 8/15/02 Label No. EV 186684188US  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for  
Patents, Washington, DC 20231 by "Express Mail Post Office to  
Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR  
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS  
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

A. Diullo A. Diullo  
Name (Print) Signature



Customer No.: 3 2 8 0 1  
PATENT TRADEMARK OFFICE

Docket No.: 0632/0B368-US1

RECEIVED  
AUG 21 2002  
TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul A. BROWN; Craig O. NORVELL;  
Leroy A. JORGENSEN

Serial No.: To Be Assigned

Art Unit:

Filed: Herewith

Examiner: Willmon Fridie, Jr.

For: REMOVABLY REPLACEABLE, READHERABLE LABEL

Reissue of: U.S. Patent No. 5,704,648

Issued: January 6, 1998

REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

August 1, 2002

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of Hilversum, The

Netherlands, Oakland, California and Humboldt, Iowa, respectively.

2. That we believe ourselves to be the inventors of the invention claimed in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

8. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our

intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

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#35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner,  
Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

I further declare that all statements made herein of my own knowledge  
are true and that all statements made on information and belief are believed to be  
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false statements and the like so made are punishable by fine or imprisonment, or  
both, under Section 1001 of Title 18 of the United States Code, and that such  
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issuing thereon.

DATED: August 12<sup>th</sup> 2002

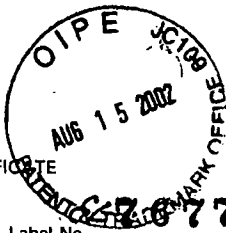
  
\_\_\_\_\_  
Paul A. Brown

DATED: \_\_\_\_\_

\_\_\_\_\_  
Craig O. Norvell

DATED: \_\_\_\_\_

\_\_\_\_\_  
Leroy A. Jorgensen



EXPRESS MAIL CERTIFICATE

Date 10/31/01 Label No. 6207726142US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

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Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 0632/OB368-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul A. BROWN; Craig O. NORVELL;  
Leroy A. JORGENSEN

Serial No.: To Be Assigned

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Examiner: Willmon Fridie, Jr.

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Issued: January 6, 1998

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October 31, 2001

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3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

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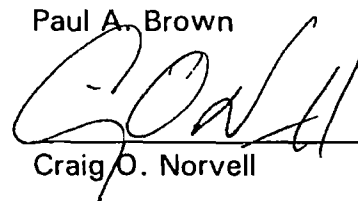
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both, under Section 1001 of Title 18 of the United States Code, and that such  
willful false statements may jeopardize the validity of the application or any patent  
issuing thereon.

DATED: \_\_\_\_\_

DATED: 10/29/2001

DATED: \_\_\_\_\_

\_\_\_\_\_  
Paul A. Brown

  
Craig O. Norvell

\_\_\_\_\_  
Leroy A. Jorgensen

EXPRESS MAIL CERTIFICATE

Date 10/31/01 Label No. 67726142US

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PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Name (Print) DB Peck

Signature DB Peck

Customer No. 0632/0B368-US1



07278

PATENT TRADEMARK OFFICE

Docket No: 0632/0B368-US1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul A. BROWN; Craig O. NORVELL;  
Leroy A. JORGENSEN

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Serial No.: To Be Assigned

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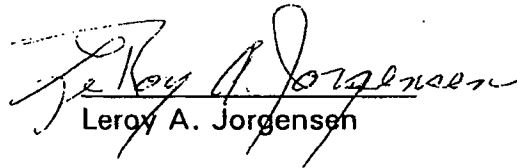
DATED: \_\_\_\_\_

\_\_\_\_\_  
Paul A. Brown

DATED: \_\_\_\_\_

\_\_\_\_\_  
Craig O. Norvell

DATED: 16 Oct 01

  
\_\_\_\_\_  
Leroy A. Jorgensen